

**RECORD OF DECISION  
and  
PLAN AMENDMENT**

**for the  
Muddy Creek Reservoir**

**Right-of-way C-45805  
Kremmling, Colorado**

RECORD OF DECISION  
MUDDY CREEK RESERVOIR

U.S. Department of Interior  
Bureau of Land Management  
Craig District  
Kremmling Resource Area

INTRODUCTION

This Record of Decision documents the Bureau of Land Management's (BLM) decision to approve the right-of-way application for the Muddy Creek Reservoir and the proposed plan amendment which facilitates the right-of-way approval. The right-of-way application was filed by the Colorado River Water Conservation District (referred to as the River District) in May 1988 with the Kremmling Resource Area office and was serialized as casefile number C-45805. This right-of-way action was initially proposed as an alternative to a proposed reservoir on Rock Creek located on the Routt National Forest. The resulting environmental analysis process, conducted in cooperation with the Forest Service, Bureau of Reclamation, Fish and Wildlife Service, Army Corps of Engineers, and Colorado Division of Wildlife, culminated in a decision that favored the Muddy Creek alternative. Public input was sought and notification provided through publication of a Draft Environmental Impact Statement (EIS) in August 1987, a Supplemental Draft EIS in August 1988, and a Final EIS in February 1990.

DECISION

It is the decision of the BLM to approve the preferred alternative as described in the Rock Creek/Muddy Creek Reservoir Final EIS. This action includes amendment to the Kremmling Resource Management Plan (RMP) as described in chapter 1.9, and to approve a right-of-way grant to the River District for the Muddy Creek Reservoir as described in chapter 1.4.3. Use and occupancy of the public lands included within this grant are contingent upon an approved plan of development and notice to proceed as described in the right-of-way grant.

One qualified protest was received concerning the proposed amendment to the Kremmling RMP. The issues raised in the protest primarily involved the Bureau of Reclamation's proposed action of entering into a substitution agreement, as opposed to the recreation and related aspects addressed in the BLM's proposed plan amendment. After thorough review of the protest, it has been concluded that the BLM followed the applicable planning procedures, laws, regulations, and resource considerations in developing the amendment, and, therefore, the protest did not warrant any change to the proposed amendment.

The RMP is amended to accommodate the anticipated recreational use of the Muddy Creek Reservoir. The amendment changes approximately 1,740 acres of livestock grazing, 30 acres of wildlife habitat, and 1.1 miles of water quality management priorities to the recreation management priority category. The amendment also changes approximately 1,460 acres of Class II and 700 acres of Class III Visual Resource Management Class to Class IV. The existing visual resource management decision in the Kremmling RMP is changed to establish consistency with the Bureau manual.

The right-of-way grant authorizes the construction, operation, and maintenance of an earth embankment dam approximately 120 feet high and 1,900 feet long. The dam will impound 60,000 acre-feet of water, forming a reservoir of 1,447 acres and extending about 5.5 miles upstream of the dam. Access roads and dam operation facilities will also be constructed. The reservoir construction will require the relocation of a powerline and a portion of US Highway 40 will be reconstructed. A campground and picnic area will also be constructed. Irrigation ditches and pipelines will be constructed in association with the wildlife mitigation plan. Locations of these facilities are identified in the Final EIS and the associated mitigation plan.

The right-of-way is issued for 30 years under the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2801. The River District is a local government and rental exempt as determined by 43 CFR 2803.1-2.

### ALTERNATIVES

One alternative analyzed was the Rock Creek Reservoir site on the Routt National Forest. The proposed Rock Creek dam would be approximately 172 feet high and 710 feet long. The dam would impound 50,700 acre feet of water, forming a reservoir of 1,070 acres and extending about 3 miles upstream of the dam. Reservoir construction would inundate part of a powerline, a Forest Service access road, a portion of State Highway 134, a small Forest Service campground, and a building that has been placed on the National Register of Historic Places.

A no-action alternative was considered and determined to be the environmentally preferred alternative. With the no action alternative, neither the Muddy Creek Reservoir nor the Rock Creek Reservoir would be authorized for the development of an additional water supply for Colorado.

### MANAGEMENT CONSIDERATIONS

The major factors considered for selecting Muddy Creek Reservoir as the preferred alternative are summarized below.

- The EIS concluded that with appropriate mitigation, no significant adverse impacts will result from implementing the Muddy Creek Alternative.
- All significant impacts to threatened and endangered plant and animal species known to be affected by the Muddy Creek Reservoir are fully mitigated.
- A significant factor in the decision to select Muddy Creek as the preferred alternative was the quality of existing wetlands that would be impacted. At Muddy Creek, much of the existing wetland is in poor condition, whereas at Rock Creek, most of it is very high quality. Although the amount of wetland at Rock Creek is less than that at Muddy Creek, the high quality of the wetlands at Rock Creek would make them more of a loss than those at Muddy Creek.
- The quality of the existing fishery was another significant factor. At present, there is a very poor to nonexistent fishery in Muddy Creek. In Rock Creek, however, there is a high quality

stream fishery that is important to many National Forest users. Impoundment of Muddy Creek could create a flat water fishery and possibly even a tailwater fishery where no fishery exists today. At Rock Creek, the existing high quality stream fishery would be replaced with a low to moderate quality reservoir fishery.

- Muddy Creek Reservoir would have a beneficial impact on the local economy.

#### MITIGATION AND MONITORING

A detailed mitigation plan for the Muddy Creek alternative has been prepared. Impacts and related mitigation are discussed for wetlands, big game, and a threatened and endangered plant (Osterhout's milkvetch). Commitments described in the mitigation plan are made a part of this approval.

Commitments agreed to in relation to two biological opinions, issued by the Fish and Wildlife Service on the Colorado River Endangered Fishes, and on the Astragalus Osterhoutii are made a part of this decision. All conservation measures described in the two biological opinions are required conditions of the right-of-way grant.

The following mitigation measures not specifically covered in the detailed mitigation plan or biological opinions are required as conditions of the right-of-way.

Soils - Site-specific runoff, erosion, revegetation, and sediment control measures will be developed in a construction and operations plan and will be followed during construction.

Air Quality - Mufflers, filters, and appropriate dust control techniques will be used during construction.

Visual Resources - Material site(s) and road cut(s) will be graded, sloped, contoured, and revegetated following construction. A plan for these activities will be developed in conjunction with the construction and operations plan.

Cultural Resources - Intensive cultural resources inventories will be completed for both the reservoir and adjacent areas prior to construction. Appropriate consultation with the State Historic Preservation Office and the Advisory Council on Historic Preservation, regarding eligibility of properties for the National Register of Historic Places and potential impacts, will be undertaken.

Transportation - Accepted traffic control measures will be instituted during construction. Roadway modifications will comply with all federal and state highway standards and specifications.

Aquatic Resources - Monitor selenium levels in fish in Muddy Creek Reservoir annually for 5 years following dam closure.

Recreation - The proponent will complete a detailed recreation facilities and access plan and construct the approved facilities and access routes in accordance with that plan.

The actions approved herein, will be monitored in various stages. The attached Compliance and Monitoring Plan will be used, along with specifications from the Plan of Development for the right-of-way.

#### PUBLIC INVOLVEMENT

The public has been involved through scoping meetings, meetings on the Draft EIS, and public hearings on the Supplemental Draft EIS. The following specific activities have taken place.

- Public scoping meetings were conducted on July 31, 1985, in Kremmling, Colorado; August 1, 1985, in Yampa, Colorado; and on August 2, 1985, in Denver, Colorado.
- Comments on the Draft EIS (DEIS) were received during public meetings on October 2, 1987, in Steamboat Springs, Colorado; October 6, 1987, in Denver, Colorado; October 7, 1987, in Kremmling, Colorado; and October 8, 1987, in Yampa, Colorado. Eighty-six written comments were received during the comment period following distribution of the DEIS. The comment letters along with responses were reproduced in the Final EIS.
- Comments on the Supplementary Draft EIS (SDEIS) were received during public hearings on October 3, 1988, in Denver, Colorado; October 4, 1988, in Kremmling, Colorado; October 5, 1988, in Oak Creek, Colorado; and October 6, 1988, in Grand Junction, Colorado. Written transcripts of these hearings were prepared. Twenty-three written comments were received during the comment period following distribution of the SDEIS. The comment letters, responses, and hearing transcripts were reproduced in the final EIS.

The right-of-way is in conformance with the existing Kremmling Resource Management Plan Record of Decision II-12-1, page 15. The right-of-way and plan amendment are consistent with the plans and policies of local and state governments and federal agencies.

Recommending  
Officials:

1/14/91  
Date

*Richard A. Rockwell*  
Area Manager

1/17/91  
Date

*James R. [Signature]*  
District Manager

Approving  
Official:

2/8/91  
Date

*Bob Moore*  
State Director

COMPLIANCE/ MONITORING PLAN  
KREMMLING RESOURCE AREA

A. Project Name and Case Project Number: Muddy Creek Reservoir Right-of-Way C-45805.

B. Description of Action: Construct, operate, and maintain a reservoir and associated mitigation.

C. Complies with RMP

Portions of the Kremmling RMP will be amended to accomodate the reservoir and its proposed uses. The right-of-way complies with RMP Record of Decision II-12-1, page 15.

D. Objectives: (check applicable boxes)

X 1. Ensure compliance with the terms and conditions of the

\_\_\_\_ lease X RMP/LAND USE PLAN \_\_\_\_ Activity Plan

\_\_\_\_ contract terms X Land Use Authorization \_\_\_\_ APD

\_\_\_\_ 2. Evaluate Stipulations (Mitigate Measures)

Stipulations No(s). \_\_\_\_\_

X 3. Other: (specify) Ensure compliance with terms and conditions of the plan of development.

E. Critical Inspection/Monitoring Points:

1. <u>Preconstruction</u>	<u>To assure cultural resource inventories and mitigation is completed.</u>
2. <u>Construction</u>	<u>To assure compliance with plan of development.</u>
3. <u>Reclamation</u>	<u>To evaluate results of reclamation specifications.</u>
4. <u>Mitigation</u>	<u>To assure compliance with Muddy Creek Mitigation Plan, Biological opinions and other environmental commitments listed in Chapter 5 of Final EIS.</u>

**F. Office/Division Responsible for Compliance/Monitoring**

Stage of Action No.	Office, Division, Position	Date Completed/Surname
1. Preconstruction	KRA (Archaeologist)	
2. Construction	KRA (L&M Staff)	
3. Reclamation	KRA (L&M Staff)	
4. Mitigation	KRA (Wildlife Biologist)	
5.		

G. Documentation necessary to track compliance/monitoring (check applicable box).

- X   Field notes/Photographs to case file, well file, etc.  
     District Inspection and Enforcement strategy documents.  
     Other (specify): \_\_\_\_\_

#### H. Evaluation of Objectives:

- When:   X   At each stage of action identified  
       After construction  
       After project completion or abandonment  
       Other (specify) \_\_\_\_\_

- Method:      Memo to appropriate Division/Manager/SO Staff  
  X   Verbal report to Supervisor  
  X   Other (specify): Written reports for casefile.

Signature of Preparer

Date: 12/14/90